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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/749,971      | 12/28/2000  | Edward John Giblin   | C6601 (C)           | 6898             |

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PATENT DEPARTMENT  
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EDGEWATER, NJ 07020

EXAMINER

BUI, LUAN KIM

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3728

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/749,971

Applicant(s)

GIBLIN ET AL.

Examiner

Luan K Bui

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “the same or different” in claims 1 and 6 is alternative and indefinite. The phrases “the height of said panels ... less than 90% of the height at any of said corners” in claims 1 and 6 and “the height of said panels ... less than 90% of the height at any of said fold lie[sic]” in claim 5 are inaccurate and indefinite because the height between the fold line 102 and the portion next to the fold line in direction toward the panel 104, 107 is the same as the height at the corner. In claim 1, the phrase “shrink wrapped” lacks antecedent basis. Claim 2 is double recitation of claim 1. The term “ant” in claim 3 is incomplete and indefinite. The phrase “said fold lie” in claim 5 is incomplete and indefinite. The phrase “one of said top and bottom ... of the fold line” in claim 5 is vague and indefinite because it has no clear meaning.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Jones (5,676,245). To the extent that the Examiner can determine the scope of the claim, Jones discloses a liner blank

(10) comprising at least three panels (36, 39, 36) separated by at least two transverse fold lines (18, 18) and having a top and a bottom and the height of at least one of the panels (39) at a point intermediate the fold lines is less than 90% of the height of any of the fold lines (Figure 1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (5,676,245) in view of Official Notice and Coles et al. (4,427,108; hereinafter Coles'108). To the extent that the Examiner can determine the scope of the claims, Jones discloses an assembly comprising a liner blank (10) for holding an article including at least three panels (36, 39, 36) separated by at least two transverse fold lines (18, 18) and having a top and a bottom and the height of at least one of the panels (39) at a point intermediate the fold lines is less than 90% of the height of any of the fold lines. Jones further discloses a wrap (15) wrapped around a portion of the liner and the article (Figure 1). Jones also discloses the other claimed limitations except for a shrink wrap being wrapped around the liner and the article. Official Notice is taken of the old and conventional practice of providing a shrink wrap wrapped around a plurality of packages and their support. Coles'108, cited by way of example only, shows an assembly comprising a liner (1, 12) for holding a plurality of packages and a shrink wrap wrapped around the liner and the packages for better protecting the packages (Figures 1-2). It would have been obvious to one

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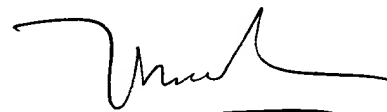
having ordinary skill in the art in view of Official Notice and Coles'108 to modify the assembly of Jones so it includes a shrink wrap wrapped around the liner and the article for better protecting the article.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648. Also, any inquiry regarding the status of the application or status of the amendments either by mail or fax, etc... should be directed to TC 3700 Customer Service.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb  
April 18, 2002



Luan K. Bui  
Primary Examiner